

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

RAUL VELEZ

DECISION AND ORDER
08-CR-142S-1

Defendant.

1. On November 3, 2009, the Defendant entered into a written plea agreement (Docket No. 100) and pled guilty to Counts 1 and 3 of the Superseding Indictment (Docket No. 34) charging a violation of Title 21, U.S.C. Section 841(a)(1) (possession with intent to distribute heroin) and Title 18, U.S.C. Section 924(c)(1) (possession of a firearm in furtherance of a drug trafficking crime) and admits to Count 4, a Forfeiture Allegation.

2. On November 3, 2009, the Honorable Jeremiah J. McCarthy, United States Magistrate Judge, filed a Report and Recommendation (Docket No. 101) recommending that Defendant's plea of guilty be accepted and the Defendant adjudicated guilty.

3. This Court has not received objections to the Report and Recommendation in accordance with 28 U.S.C. §636(b)(1)(C) and Local Rule 58.2(a)(3).

4. This Court has carefully reviewed *de novo* Judge McCarthy's November 3, 2009, Report and Recommendation, the plea agreement, transcript of the proceeding, and the applicable law. Upon due consideration, this Court finds no legal or factual error in Judge McCarthy's Report and Recommendation, and will accept Judge McCarthy's recommendation that Defendant's plea of guilty be accepted and that the Defendant be adjudicated guilty as charged.

IT HEREBY IS ORDERED, that this Court accepts Judge McCarthy's November 3, 2009, Report and Recommendation (Docket No. 101) in its entirety, including the authorities cited and the reasons given therein.

FURTHER, that the plea of guilty of Defendant Raul Velez is accepted, and he is now adjudged guilty of Title 21, U.S.C. Section 841(a)(1) and Title 18, U.S.C. Section 924(c)(1).

SO ORDERED.

Dated: December 20, 2009
Buffalo, New York

/s/ William M. Skretny
WILLIAM M. SKRETNY
United States District Judge